

B DAE IFW
Docket No. 740756-1961

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
Shunpei YAMAZAKI et al.) Group Art Unit: 2811
Application No. 09/295,607) Examiner: Steven Ho Yin Loke
Filing Date: April 22, 1999)
For: SEMICONDUCTOR DEVICE HAVING)
ALUMINUM NITRIDE FILM)

**PETITION UNDER 37 C.F.R. § 1.181 REQUESTING
WITHDRAWAL OF THE HOLDING OF ABANDONMENT
BASED UPON THE OFFICE'S NON-RECEIPT OF APPLICANT'S REQUEST FOR
CONTINUED EXAMINATION AND INFORMATION DISCLOSURE STATEMENT
TO MPEP CHAPTER 711.03(c)**

Mail Stop **PETITIONS**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants have become aware that the present application is considered to be abandoned for failure to pay the required Issue Fee as noted in the July 26, 2004 Notice of Abandonment received from the U.S. Patent and Trademark Office. It is apparent that the Request for Continued Examination (RCE) and Information Disclosure Statement filed on May 19, 2004, in lieu of paying the Issue Fee has not been matched to the file, thereby causing the apparent abandonment of the above-noted application.

Applicant respectfully submits that a thorough search and review of our application file and docket record reveals that the Request for Continued Examination and Information Disclosure Statement (Exhibit A), enclosed for convenience, was filed at the USPTO on May 19, 2004, as evidenced by the attached date-stamped postcard and the approval for charging the deposit account

Since an Requested for Continued Examination and Information Disclosure Statement was timely filed (as shown by the date-stamped postcard) Applicant respectfully requests that:


1) any holding of abandonment of this application is improper and should be immediately withdrawn, and

2) the application should be returned to pending status awaiting examination.

Your prompt attention to this matter is appreciated.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 19-2380 and please credit any excess fees to such deposit account.

Respectfully submitted,



Jeffrey L. Costellia
Registration No. 35,483

NIXON PEABODY LLP
Suite 900, 401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

This will acknowledge receipt of the following:

1. RCE (Request for Continued Examination)
2. Information Disclosure Statement
3. PTO-1449 with two references
4. Permission to charge Deposit Account # 19-2380 in the amount of \$770.00

In re Patent Application of:

Inventor(s): Shunpei YAMAZAKI et al.

Serial No.: 09/295,607

Filed: April 22, 1999

Title: SEMICONDUCTOR DEVICE HAVING ALUMINUM NITRIDE FILM

Due date: June 15, 2004

Docket No. 740756-1961

HAND CARRY
PLEASE DATE STAMP AND RETURN

NVA296250.1



[Signature]
[JLC/plp] 8683
Date: 05/19/2004

[Handwritten mark]

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

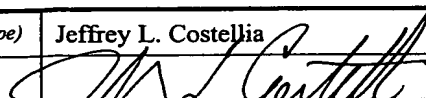
Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/298,607
Filing Date	April 22, 1999
First Named Inventor	Shunpei YAMAZAKI et al.
Group Art Unit	2811
Examiner Name	Steven Ho Yin Loke
Attorney Docket Number	740756-1961

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**
 - a. ☐ Previously submitted
 - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
 - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. ☐ Other _____
 - b. ☒ Enclosed
 - i. ☐ Amendment/Reply
 - ii. ☐ Affidavit(s)/Declaration(s)
 - iii. ☒ Information Disclosure Statement (IDS)
 - iv. ☐ Submission of Formal Drawings
 - v. ☐ Petition for Three-month Extension of Time
2. **Miscellaneous**
 - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(f) required)
 - b. ☐ Other _____
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
 - a. ☒ The Director is hereby authorized to charge the following fees, additional fees which may be required, or credit any overpayments, to Deposit Account No. 19-2380
 - i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. ☐ Other _____
 - b. ☒ The Director is authorized to charge Deposit Account # 19-2380 in the amount of \$770.00.
 - c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Jeffrey L. Costellia	Registration No. (Attorney/Agent)	35,483
Signature		Date	May 19, 2004

**CERTIFICATE OF MAILING OR TRANSMISSION
[37 CFR 1.8(a)]**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at _____, on _____.

Signature:

Name:

SEND TO: Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
Shunpei YAMAZAKI et al.)	Examiner: Steven Ho Yin Lee
Serial No. 09/295,607)	Group Art Unit: 2811
Filed: April 22, 1999)	
For: SEMICONDUCTOR DEVICE HAVING)	
ALUMINUM NITRIDE FILM)	

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

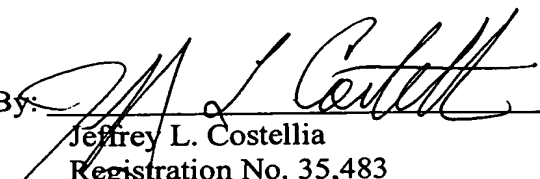
In accordance with the duty of disclosure as set forth in 37 C.F.R. §1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98. Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed.

It is requested that the accompanying PTO-1449 be considered and made of record in the above-identified application. To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initial a copy of this form be returned to the undersigned.

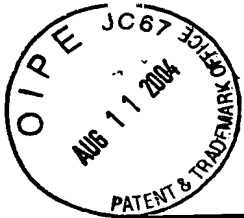
U.S. Patent Nos. 4,232,327 and 4,704,302 were cited in family application Serial No. 09/432,106.

The Commissioner is hereby authorized to charge any fees connected with this filing which may be required now, or credit any overpayment to Deposit Account No. 19-2380.

Respectfully submitted,

By: 
Jeffrey L. Costellia
Registration No. 35,483

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Washington, DC 20004-2128
Telephone: (202) 585-8000



Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	09/295,607
				Filing Date	April 22, 1999
				First Named Inventor	Shunpei YAMAZAKI et al.
				Art Unit	2811
				Examiner Name	Steven Ho Yin Lee
Sheet	1	of	1	Attorney Docket Number	740756-1961

U.S. PATENT DOCUMENTS					
Examiner Initials ¹	Cite No. ¹	U.S. Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US-4,232,327	11/04/1980	Hsu et al.	
		US-4,704,302	11/03/1987	Bruel et al.	
		US-			
		US-			
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FOREIGN PATENT DOCUMENTS						
Examiner Initials ¹	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³	Number ⁴ Kind Code ⁵ (if known)			

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.